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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,647	01/17/2001	Naoto Kinjo	Q62079	3441

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER
JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/760,647	KINJO, NAOTO	
	Examiner	Art Unit	
	HEATHER R. JONES	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *33-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *33-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/6/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 33-40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 33, 34, 36, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. (U.S. Patent 6,507,371) in view of Matsumura et al. (U.S. Patent 6,222,583).

Regarding claim **33**, Hashimoto et al. discloses a photographing system comprising: a camera (Fig. 2 – image input section (205)); and an image processing apparatus (Fig. 2 – image controller (personal computer)); wherein said camera comprises: an image sensor for obtaining photographed image data (Fig. 2 – image input section (205), the camera contains the image sensor); an input unit for inputting rough photographing position information (Fig. 1 - steps 107 and 109 - the user manually inputs the photographing position);and an information sending/receiving unit for sending said photographed image data which has been obtained, and said rough photographing position information

which has been inputted on said input unit to said image processing apparatus, as well as, receives photographing position information which has been obtained by said image processing apparatus in accordance with said rough photographing position information from said image processing apparatus (Figs. 1, 2, and 7A-7D – user can manually set the photographing position; col. 3, lines 40-45; col. 5, line 42 – col. 6, line 20); and wherein said image processing apparatus comprises: a receiving/supplying unit which receives said photographed image data and said rough photographing position information from said camera (Fig. 2, 5A, 5B, 6A, and 7A-7D – image data is downloaded and displayed as can be seen in Figs. 7A-7D); and an information processing unit which detects anticipated photographing positions using received said photographed image data and said rough photographing position information as well as map information stored therein, and supplies said photographing position information to said camera through said receiving/supplying unit (Figs. 7A-7D - the image processing apparatus uses the manually input photographing position information and relates that to a map along with coordinates as can be seen from Figs. 6A and 7A-7D; col. 5, line 42 – col. 6, line 20). However, Hashimoto et al. fails to disclose creates images in virtual scope at detected positions from said map information by simulation, subjects said images in virtual scope to pattern matching with said photographed image, and decides a position which degrees of matching exceed a predetermined value as candidate photographing positions

to obtain photographing position information being more accurate than said rough photographing position information.

Referring to the Matsumura et al. reference, Matsumura et al. discloses a photographing system comprising: a camera; and an image processing apparatus, wherein the image processing apparatus creates images in virtual scope at detected positions from said map information by simulation, subjects said images in virtual scope to pattern matching with said photographed image, and decides a position which degrees of matching exceed a predetermined value as candidate photographing positions to obtain photographing position information being more accurate than said rough photographing position information (Figs. 3, 5B, and 11; col. 6, line 44 – col. 7, line 4; col. 9, lines 31-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used pattern matching when creating the virtual scope at detected positions from the map information as disclosed by Matsumura et al. with the image processing apparatus disclosed by Hashimoto et al. in order to accurately display a virtual scene by allowing the images to flow into one another to create a realistic scene.

Regarding claim **34**, Hashimoto et al. in view of Matsumura et al. discloses all the limitations as previously discussed with respect to claim 33, including that the rough photographing position information includes at least one of a name of a street, a name of a town, and a house number (Hashimoto et al.: col. 4, lines 44-50 - name of a town).

Regarding claim **36**, Hashimoto et al. in view of Matsumura et al. discloses all the limitations as previously discussed with respect to claim 33, including that the image processing apparatus supplies image data of maps of photographing position corresponding to said photographing position information as said photographing position information (Hashimoto et al.: Figs. 7A – the images are linked to the map).

Regarding claim **38**, Hashimoto et al. in view of Matsumura et al. discloses all the limitations as previously discussed with respect to claim 33, including that the camera sends image data of images photographed in different directions at a same point to said image processing apparatus, and said image processing apparatus obtains said photographing position information using the image data of images photographed in different directions (Matsumura et al.: col. 9, lines 32-56 – capturing images with different angles).

Regarding claim **39**, Hashimoto et al. in view of Matsumura et al. discloses all the limitations as previously discussed with respect to claim 33, including that the camera sends image data of images of same scene photographed in multistage-focus to said image processing apparatus, and said image processing apparatus determines camera-to-subject data from said images photographed in multistage-focus and creates camera-to-subject data of said virtual scope at said anticipated photographing positions, and subjects said camera-to-subject data of said photographed images to pattern matching with said camera-to-subject data of said virtual scope to obtains said photographing position information

(Matsumura et al.: Figs. 3, 4, and 6; col. 9, lines 32-56 – capturing images with different angles; col. 11, lines 1-41).

4. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. in view of Matsumura et al. as applied to claim 33 above.

Regarding claim **35**, Hashimoto et al. in view of Matsumura et al. discloses all the limitations as previously discussed with respect to claim 33, but fails to disclose the input unit gets said rough photographing position information using a position information service by a personal handy-phone system. However, Hashimoto et al. discloses manually inputting the photographing position. Official Notice is taken that the photographing position that is manually input can come from a position information service by a personal handy-phone system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a position information service by a personal handy-phone system in order to accurately input the correct photographing position.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. in view of Matsumura et al. as applied to claim 33 above, and further in view of Kinjo (U.S. Patent 7,170,632).

Regarding claim **37**, Hashimoto et al. in view of Matsumura et al. discloses all the limitations as previously discussed with respect to claim 33, but fails to disclose that the rough photographing position information includes photographing direction information.

Referring to the Kinjo reference, Kinjo discloses attaching photographing information along with the image data (col. 11, lines 11-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have attached the camera direction as part of the photographing position as disclosed by Kinjo with the apparatus disclosed by Hashimoto et al. in view of Matsumura et al. in order to provide further information when creating a virtual atmosphere from the images to accurately depict the virtual scene.

6. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. in view of Matsumura et al. as applied to claim 33 above, and further in view of Tabata (U.S. Patent 6,198,542).

Regarding claim **40**, Hashimoto et al. in view of Matsumura et al. discloses all the limitations as previously discussed with respect to claim 33, but fails to disclose comprising a plurality of said image processing apparatuses, wherein said camera selects one image processing apparatus among said plurality of image processing apparatuses based on whether the apparatus has functions for information processing of creating images in virtual scope and obtaining said photographing position information by the pattern matching, and sends said photographed image data and said rough photographing position information to the selected image processing apparatus.

Referring to the Tabata reference, Tabata discloses a network control method and system that connects a computer with several image forming

apparatuses (external apparatuses) via a network. Furthermore, Tabata discloses an image processing method comprising the step of preliminarily setting an order of priority among the plural types of external apparatuses, and wherein image processing is performed to the priority of the plural types of external apparatuses (Figs. 8-11; col. 9, lines 40-47; col. 9, line 66 – col. 10, line 41 – The user preliminarily selects and prioritizes which features about the external apparatuses are important to the user. The computer then goes and makes a list of the external apparatuses that best meet the conditions the user has set forth and lists them to the user in order of priority that has been set preliminarily. The user then makes a selection according to the results compiled by the computer. The image processing in the Tabata reference corresponds to the finished product of the printouts – for example, zooming in on the image and reduction of the image). Although Tabata does not disclose a camera connected to the system a camera is considered to be an image forming apparatus and therefore would be included amongst the possibilities of image forming apparatus that Tabata discloses.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have designed a system connected to one or more external apparatus with priorities preliminarily set as taught by Tabata with the camera in Hashimoto et al. in view of Matsumura et al. in order to allow the camera to send image data to external apparatuses for different image data processing (printing, recording, and transmitting) in any desired order.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

Heather R Jones
Examiner
Art Unit 2621

HRJ
September 1, 2008